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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 CHRISTOPHER MORISETTE,

12 Petitioner,

13 v.

14 ROB JACKSON,

15 Respondent.

CASE NO. 2:23-cv-01519-TL

ORDER ADOPTING REPORT AND  
RECOMMENDATION

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17 This matter comes before the Court on the Report and Recommendation of United States  
18 Magistrate Judge Grady J. Leupold. Dkt. No. 19. Having reviewed the Report and  
19 Recommendation as well as the remaining record and having received no objections, the Court  
20 ADOPTS the Report and Recommendation with one modification.

21 The Court finds the Report and Recommendation thorough and well-reasoned. However,  
22 the Court dismisses Petitioner's fourth ground for relief for a different reason than the Magistrate  
23 Judge.  
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1           Petitioner’s fourth ground for relief is that he “do[es] not currently have a lawyer  
2 assigned” and ha[s] the right to an attorney.” Dkt. No. 8 at 8. This ground addresses an issue  
3 independent of the challenge to his state court conviction and raises the question of whether  
4 Petitioner is entitled to representation for his habeas petition.


5           In *Pennsylvania v. Finley*, 481 U.S. 551 (1987), the Supreme Court stated, “[w]e have  
6 never held that prisoners have a constitutional right to counsel when mounting collateral attacks  
7 upon their convictions.” *Id.* at 555 (citing *Johnson v. Avery*, 393 U.S. 483, 488 (1969)). Rather,  
8 Supreme Court cases have long established that “the right to appointed counsel extends to the  
9 first appeal of right, and no further. Thus, we have rejected suggestions that we establish a right  
10 to counsel on discretionary appeals.” *Finley*, 481 U.S. at 555 (citing *Wainwright v. Torna*, 455  
11 U.S. 586 (1982) and *Ross v. Moffitt*, 417 U.S. 600 (1974)). Similarly, the Ninth Circuit has held  
12 that “there is no federal constitutional right to habeas counsel.” *Redd v. Guerrero*, 84 F.4th 874,  
13 880 (9th Cir. 2023). For this reason, the Court DISMISSES Petitioner’s fourth ground for relief.

14           Accordingly, the Court ORDERS the following:

- 15           1. The Court ADOPTS the Report and Recommendation.
- 16           2. Petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DENIED.
- 17           3. A certificate of appealability shall not issue in this case.
- 18           4. The Clerk is DIRECTED to send copies of this Order to Petitioner and to the Hon.

19           Grady J. Leupold.

20           Dated this 15th day of April 2024.

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22           \_\_\_\_\_  
23           Tana Lin  
24           United States District Judge